IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

TUESDAY, THE 18TH DECEMBER 2007 / 27TH AGRAHAYANA 1929

Crl.MC.No. 3668 of 2007()

CR.NO.31/03 OF ADOOR EXCISE RANGE, PATHANAMTHITTA

PETITIONER: ACCUSED NO.1 & 2

---

1. MADHUSOODHANAN PILLAI,
S/O BASKARAN PILLAI, NJAKKATTU PUTHENVEETTIL,
ELAMANNOOR MURI, EDANIMANGALAM VILLAGE,
ADOOR TALUK, PATHANAMTHITTA DISTRICT.

2. K.NATARAJAN, AGED 59 YEARS,
S/O LATE KESAVAN, PRAKASH BHAVANAM,
EDAKKIDAM P.O., KAREEPRA VILLAGE,
KOTTARAKKARA TALUK, KOLLAM DISTRICT.

BY ADV. SRI.M.G.KARTHIKEYAN
SRI.NIREESH MATHEW

RESPONDENTS: COMPLAINANT

STATE OF KERALA, REPRESENTED BY
EXCISE INSPECTOR, ADOOR EXCISE RANGE,
PATHANAMTHITTA DISTRICT, BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.GIKKU JACOB

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 18/12/2007 ALONG WITH CRMC.3669/07, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J.

Crl.M.C.Nos.3668 & 3669 of 2007

Dated this the 18th day of December 2007

O R D E R

The petitioners in these two Criminal Miscellaneous Cases are the salesmen (first petitioners) and licensee (common second petitioner) of toddy shop number 19 of Ezhamkulam in Adoor Excise Range of Pathanamthitta division. Samples of toddy were drawn from the said toddy shop on two different occasions namely 07/08/2002 and 06/12/2002. The samples were sent to the expert for examination and expert reported that the sample contained excess quantity of ethyl alcohol than what was permissible under Rule 9(2) of the Kerala Abkari Shops Disposal Rules.

2. The learned counsel for the petitioners prays, the learned Public Prosecutor does not oppose the said prayer and I am satisfied that in the light of the decision in State of Kerala and Others vs. Unni [2007(1)KLT 151 (SC)] this prosecution in which the only allegation raised is that the percentage of ethyl alcohol in toddy exceeds the permissible figure under Rule 9(2) cannot be sustained.

3. These Criminal Miscellaneous Case are in these circumstances allowed. All further proceedings in pursuance of crime No.31/2003 and 109/2002 of Adoor Excise Range shall hence stand quashed.

(R.BASANT, JUDGE)

jsr

R.BASANT, J.

CRL.M.CNo.

ORDER

21ST DAY OF MAY2007